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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,955	07/31/2001	Ken Takashima	FUJO 18.888	2572
26304	7590	05/17/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			TORRES, MARCOS L	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,955

Applicant(s)

TAKASHIMA ET AL.

Examiner

Marcos L Torres

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 4 2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki US006574475B1 and further in view of Sasamoto US006647264B1.

As to claims 1 and 2, Suzuki discloses a mobile communications system which is configured by at least an exchange, the first and a second base station controller subordinate to the fixed network local exchange (see col. 5, lines 43-45), and a first group of base station transceivers subordinate to said first base station controller (see col. 5, lines 28-30) and a second group of base station transceivers subordinate to said second base station controller (see col. 5, lines 35-37), comprising: a first inter-controller SW unit between said first group of base station transceivers and said first base station controller components (see col. 5, lines 59-64); and a second inter-controller SW unit between said second group of base station transceivers and said second base station controller components (see col. 6, lines 17-24); wherein said first inter-controller SW unit relays voice data and control information to said second controller SW unit to enable transmission of data or information between said first base

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station controller and said second group of base station transceivers (see col. 7, lines 37-42). Suzuki discloses that the inter-controller SW is part of the base station controller (see fig. 1, item 43a, 43b). Sasamoto discloses that the inter-controller/router is located apart from the base station controller (see fig.1), thereby adding routing capabilities without having to change the base station controller. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for the simple purpose of easier implementation.

As to claim 3, Suzuki discloses the mobile communications system wherein said first inter-controller SW unit determines a routing method for the voice data based on the received control information (see col. 7, line 1 - col. 8, line 4).

As to claim 4, Suzuki discloses the mobile communications system wherein each of said base station controllers generates control information based on an identifier of a base station transceiver of a respective group of said base station transceivers, to which a mobile station belongs (see col. 7, line 1 - col. 8, line 4).

As to claim 5, Suzuki does not specifically disclose the mobile communications system wherein the first base station controller performs hand-off control via said first inter-controller SW unit based on voice quality information from a mobile station.

However, OFFICIAL NOTICE IS TAKEN THAT the technique of performing hand-off control based on voice quality information from a mobile station is a common and well-known technique. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this feature to the modified Beming system for an uninterrupted communication.

Regarding claims 9-13, they are the corresponding method claims of system claims 1-5. Therefore, claims 9-13 are rejected for the same reason shown above.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki and further in view of Sasamoto as applied to claims 1-5 and 9-13 above, and further in view of Hanley US005771452A.

As to claim 6, Suzuki does not specifically disclose the mobile communications system wherein pluralities of controller units are connected by an optical communications path. Hanley discloses the mobile communications system wherein pluralities of controller units are connected by an optical communications path (see col. 5, lines 10-15). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique in the modified Beming system for a reliable and fast delivery of data.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Sasamoto as applied to claims 1-5 and 9-13 above, and further in view of Mitts US005940371A.

As to claim 7, Suzuki disclose everything claimed as explained above (see claim 1) except for using an ATM communication system. Mitts disclose using an ATM communication system (see fig. 5-8). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique for the simple purpose of compatibility.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Sasamoto and further in view of Mitts as applied to claim 7 above, and further in view of Clancy US006188894A.

As to claim 8, Mitts does not specifically disclose the mobile communications system wherein the data is exchanged with a composite cell. Clancy discloses the mobile communications system wherein the data is exchanged with a composite cell (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching for the simple purpose of enhanced coverage.

### ***Conclusion***

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Hand delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G Kincaid can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres  
Examiner  
Art Unit 2687

Mlt

 5/11/05  
**ELISEO RAMOS-FELICIANO**  
**PATENT EXAMINER**